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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,793	06/11/1999	FRANKLIN E. BOYER	UV-72	9836

7590 11/02/2005  
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1251 AVENUE OF THE AMERICAS  
NEW YORK, NY 100201104

EXAMINER

BROWN, RUEBEN M

ART UNIT PAPER NUMBER

2611

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/330,793	BOYER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Reuben M. Brown	2611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/8/2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14,151,156-159,161-164 and 202-205 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14,151,156-159,161-164 and 202-205 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/9/05 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The newly amended feature of, 'wherein the adjustment of the relative importance is performed by adjusting a weight factor for each program attribute', is met by the disclosure in Herz that using the Rave Review technique subscribers may adjust the preferred level (i.e., weighting) of particular characteristics/attributes of movies, col. 14, lines 20-50. Herz, also discusses in general, a customer manually changing or modifying weights and values of certain TV programming characteristics, col. 46, lines 6-18.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 151-154, 156-159, 161-164 & 202-205 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis, (U.S. Pat # 5,986,650), in view of Bedard, (U.S. Pat # 5,801,747) and Herz, (U.S. Pat # 5,758,257).

Considering claims 151, 156 & 161, the interactive EPG system or method for aiding a user in identifying programs for viewing, comprising user equipment wherein an EPG is at least partially implemented is met by Ellis, (Fig 5A & Fig. 7). Ellis, col. 9, lines 1-10 & col. 12, lines 28-52, meets the claimed feature of the TV equipment displaying a current program, while also displaying the EPG.

The additionally claimed feature of the TV equipment allowing the user to sequentially browse program listings for available programming by selectively displaying a display region reads on Ellis. The reference teaches that while in FLIP or BROWSE mode, that the user is

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enabled to sequence through a list of TV programs, col. 9, lines 31-35; col. 9, lines 61-65 & col. 12, lines 44-50.

The amended claimed feature of the display region being an overlay, and separately displaying each program listing is met by the discussion of Ellis, of the graphic overlay region 111, see col. 12, lines 37-60. Ellis goes on to teach that each program listing, i.e., each particular program is separately displayed on the screen, see Fig. 7-Fig. 8B; Fig. 11A-12A & col. 12, lines 44-67, which meets the claimed subject matter. As for the further claimed feature, 'wherein the display region is an overlay that is displayed while the current program is displayed on the first channel', Ellis teaches that "graphic overlay information tat appears in the FLIP mode..., may or may not be the channel currently being viewed by the user", col. 12, lines 28-42, which reads on the further claimed feature.

Regarding the further claimed feature of the TV equipment configured to limit which program listings are displayed in the display region based on various program attributes of TV programs that have been viewed by the user, Ellis discloses that while in FLIP mode, the viewer may look at the EPG according to favorite channel lists, col. 10, lines 35-39. Ellis also teaches that the list of programs shown to the user while in BROWSE/FLIP mode may be limited to a particular category of interest, such as Sport, for instance (col. 17, lines 8-20). However, this favorite channel or Category list does not explicitly require that the channels/programs be based on program attributes of programs that have been viewed by the customer. Nevertheless, Bedard teaches the well known technology of monitoring the programs/channels watched by customers

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and providing a listing of programs/channels likely to be of interest to the customer based upon a matching of the attributes of the viewed programs and the customer's viewer profile, Abstract; col. 2, lines 5-34; col. 3, lines 32-61 & col. 4, lines 26-38. Bedard teaches that the subscriber may surf through the list of programs generated by monitoring the instant subscriber's viewing behavior, col. 7, lines 8-26.

Bedard furthermore discloses that the subscriber may view these favorite channels as an overlay, and that they may be surfed through individually, as recited in the claims, see col. 7, lines 28-62 & Fig. 5. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Ellis with the technique of providing listing of programs based on the attributes of programs viewed, for the known improvement of more accurately estimating which programs the customer would have interest in, as taught by Bedard, Abstract & col. 2, lines 5-35.

The additionally claimed feature of allowing the user to adjust the relative importance of the various program attributes that are used to limit the displayed program listings reads on the discussion in Bedard that parents may adjust the amount of time that for instance children view particular categories of programming, see col. 8, lines 1-15. Regarding the further claimed feature, 'wherein the adjustment of the relative importance is performed by adjusting a weight factor for each program attribute', even though Bedard teaches that the customer may adjust the relative importance of attributes used to filter programming, but does not explicitly teach 'adjusting a weight factor', as presently recited in the claim. Nevertheless Herz, which is in the

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same field of endeavor, discloses at least two instances of a customer adjusting weight factors of characteristics used in filtering programming. First, using the Rave Review technique, subscribers may adjust the preferred level (i.e., weighting) of particular characteristics/attributes of movies, col. 14, lines 20-50. Herz, also discusses in general, that a customer manually changing or modifying weights and values of certain TV programming characteristics, col. 46, lines 6-18. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Ellis & Bedard with the technique of adjusting the importance of TV programming characteristics by using weight factors, at least for the desirable benefit of giving parents/customers more control to limit the viewing of children; see Herz col. 46, lines 10-18.

Considering claims 152, 157, 162 & 203, the claimed subject reads on the disclosure of Bedard, col. 3, lines 32-67; col. 4, lines 26-60 & col. 6, lines 22-50.

Considering claims 153, 158, 163 & 204, see Bedard, col. 35-62.

Considering claims 154, 159, 164 & 205, the claimed neural network reads on system of Bedard, generating a viewer profile array in software, (col. 3, lines 55-67 & col. 4, lines 65) and the calculation/adjustment of the agreement matrix in Herz, using various factors, (col. 30-col. 39).

Considering claim 202, the claimed machine-readable media for use in a system in which an interactive TV EPG is at least partially implemented wherein the media is encoded with machine-readable instructions for performing method steps that correspond with subject matter mentioned above in the rejection of claims 151, 156 & 161, are likewise rejected. Both Ellis (Fig. 1) & Bedard (col. 3, lines 55-67) are directed to a computer driven system that discloses the use of machine-readable media to perform the features discussed above in the claims.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Graves Teaches filtering TV programming, based on weights, also teaches using neural networks to generate the preference model.



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**Any response to this action should be mailed to:**

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P.O. Box 1450  
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**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**


(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown

  
**REUBEN M. BROWN**  
**PATENT EXAMINER**